

BETH CREIGHTON, OSB #972440  
E-mail: *beth@civilrightspdx.com*  
CREIGHTON & ROSE, PC  
65 SW Yamhill Street, Suite 300  
Portland, Oregon 97204-3316  
Phone: (503) 221-1792  
Fax: (503) 223-1516

Of Attorneys for Plaintiff

SEAN P. RAY OSB #075040  
E-mail: *sray@barran.com*  
Barran Liebman LLP  
601 SW 2nd Avenue, Suite 2300  
Portland, Oregon 97204  
Phone: (503) 276-2135  
Fax: (503) 274-1212

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Civil No. 3:17-CV-00909-BR

MARIE GERTRUDE JEAN-  
VALMONT

Plaintiff,

**STIPULATED PROTECTIVE  
ORDER**

vs.

ADARA OAKS MANOR, LLC

Defendants.

The parties recognize that federal courts, “although independent—indeed, particularly because they are independent—to have a measure of accountability and for the public to have

confidence in the administration of justice.” *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1096-1098 (9th Cir 2016). Citing *United States v. Amodeo (Amodeo II)*, 71 F.3d 1044, 1048 (2d Cir. 1995); see also *Valley Broad. Co. v. U.S. Dist. Court —D. Nev.*, 798 F.2d 1289, 1294 (9th Cir. 1986) (explaining that the presumption of public access ‘promot[es] the public’s understanding of the judicial process and of significant public events’). In addition, Article I, Section 10 of the Oregon Constitution provides a broad constitutional right of public access to judicial proceedings and that the Supreme Court ruling in *State ex rel. Oregonian vs. Deiz*, 289 Or. 277 (1980), significantly limits the authority of the court to close the court to non-parties. The parties also recognize that like court hearings, court files are public records unless otherwise expressly provided by law.

Sealing court files or documents in court proceedings would prevent access by the public to records of proceedings of the court. See *A.K.H. v. R.C.T.*, Supreme Court Case No. 37202 (1990). The records of this proceeding will not be sealed unless absolutely necessary to protect recognized privacy interests of the parties or third parties.

Any order allowing the protection of documents will be narrow in scope to insure that the only information withheld from public inspection is information expressly authorized by law to be sealed.

Pursuant to the below stipulation and agreement of plaintiff and defendants,

IT IS HEREBY ORDERED:

1. As used in this Order, the term “Confidential Material” is defined to mean any of plaintiff’s medical records, business information not generally known by Adara’s competitors, financial records and information, and reasonable and legitimate expectations of privacy of third-

party employees of Defendant.

2. The use by or on behalf of the plaintiff of Confidential Material shall be restricted to litigation of the claims for relief of plaintiff herein.

3. Absent further order of this Court or a stipulation of the parties, the Confidential Material obtained by either party in discovery and pursuant to this Stipulated Protective Order shall be disclosed only to the parties, their attorneys, or those aiding the parties in the preparation of the case, including expert witnesses.

4. Confidential Material filed by the plaintiff or defendant with the clerk, whether in a pleading or as an exhibit thereto, shall be redacted pursuant to eliminate personal identifying information such as address, phone number, social security number prior to filing with the court. An identifier such as "A" can be used to reference the individual whose name and/or identifier information has been redacted.

5. If confidential material cannot be redacted, the party seeking to file the document under seal will submit the document to the court for in camera review at ex parte and show that a) specific harm or prejudice will result if the designated documents are accessible by the public; b) statutory, constitutional or other authority exists to seal the documents, and c) there are no other practical means to protect the information in the documents. If after in camera review, the court authorizes the filing of the document under seal, then the document can be placed in an envelope for filing under seal and filed.

6. Nothing contained in this Stipulated Protective Order shall be construed to prejudice the right of plaintiff or defendants to use the Confidential Material at the trial of this action. The confidentiality and the formal record of any such documents, information or exhibits prepared

from any Confidential Material shall be protected as determined and directed by the Court.


7. Any person to whom disclosures are made of the Confidential Material shall be advised of the provisions of this Order, and shall be given a copy of this Order, and shall become subject to this Order requiring that disclosures be held in confidence and not be used for any purpose other than this litigation.

8. Upon termination of this action, including all appeals, all Confidential Materials shall be destroyed or returned to the party from which they originated, including any copies, but excluding any deposition transcripts and materials which may be retained by counsel of record in their files for 10 years.

IT IS SO STIPULATED:


DATED this 15<sup>th</sup> day of April 2018.

Attorney for Plaintiff:

  
BETH CREIGHTON, OSB # 972440  
503 221-1792

DATED this 17<sup>th</sup> day of April 2018.

Attorneys for Defendants:

  
SEAN P. RAY, OSB #075040  
ALLISON J. JACOBSEN, OSB #101478

The Court has reviewed the reasons offered in support of entry of this Stipulated



Protective Order and finds that there is good cause to protect the confidential nature of certain information. Accordingly, the Court adopts the above Stipulated Protective Order in this action.

IT IS SO ORDERED:

---